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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ANDREA RESNICK, GARY BUNKER, JOHN HALEY, AMY LATHAM, ERIC ROSLANSKY and KEVIN SIMPSON, on behalf of themselves and all others similarly situated, Plaintiffs, v. WALMART.COM USA LLC, WAL-MART STORES, INC. AND NETFLIX, INC., Defendants.	**Case No. 09-cv-00002-PJH** **DECLARATION OF ADAM C. BELSKY IN SUPPORT OF ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**
This Document Relates to: GABRIEL KRA, on behalf of himself and all others similarly situated, Plaintiff, v. NETFLIX, INC. , a Delaware corporation; WAL-MART STORES, INC., a Delaware corporation; and WAL-MART.COM, USA, LLC, a Delaware corporation, Defendants.	**Case No. CV09-1499-JCS**

Dockets.Justia.com

I, Adam C. Belsky, declare:

1. I am a member in good standing of the Bar of the State of California and am admitted to practice before this Court. I am an attorney at the law firm of Gross Belsky Alonso LLP, counsel for Gabriel Kra in the above- captioned action. I submit this Declaration in support of Plaintiff's Administrative Motion to Consider Whether Cases Should Be Related. The matters set forth herein are of my own personal knowledge, and if called and sworn as a witness I could competently testify regarding them.

2. Attached hereto as Exhibit A is a true and correct copy of a complaint captioned *Gabriel Kra v. Netflix, Inc., Wal-Mart Stores, Inc., Walmart.com USA LLC,* Case No. 09-cv-01499 (JCS) filed on April 6, 2009, in the Northern District of California and assigned to the Honorable Joseph C. Spero. The *Kra* action is a proposed class action on behalf of paid subscribers to Netflix.

3. Attached hereto as Exhibit B is a true and correct copy of the Court's Order re the Centralization of Related Cases in MDL No. 2029, executed by Judge Hamilton on April 30, 2009.

4. After reviewing the complaints listed in the *Administrative Motion to Consider Whether to Relate Case*, it appears that plaintiffs in these cases assert claims for violations of the Sherman Act, 15 U.S.C. Sections 1 and 2 against many of the same defendants based on many of the same factual allegations.

5. A stipulation pursuant to Civil Local Rule 7-11(a) could not be obtained because Defendants in this action have not yet appeared.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct.

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Dated: May 7, 2009

GROSS BELSKY ALONSO LLP

By: /s/ Adam C. Belsky
Adam C. Belsky

Attorneys for Plaintiff GABRIEL KRA
and the Proposed Class